

**DES MOINES CITY COUNCIL MEETING**  
**City Hall, City Council Chambers**  
**400 Robert D. Ray Drive**  
**Des Moines, Iowa 50309**

**April 8, 2019**  
**4:30 PM**

**PROCLAMATIONS – 4:00PM**

Grand View University – 2019 Wrestling National Championship

National Boys & Girls Clubs Week in Des Moines, Iowa

**INVOCATION:** Council Member Joe Gatto

1. ROLL CALL:
2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
3. APPROVING CONSENT AGENDA \* – items 3 through 39:

**\*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

**LICENSES AND PERMITS**

4. [Approving](#) Alcoholic Beverage License Applications for the following:

**NEW APPLICATIONS**

(A)	BLISS NAILS & BAR	208 4TH ST	C Liquor
(B)	DM SOFTBALL COMPLEX	4980 E 46TH ST	B Beer
(C)	SCORNOVACCAS RISTORANTE	1930 SE 14TH ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	ALPINE TAP ROOM	2720 INGERSOLL	C Liquor
(E)	CAPITAL CITY MOOSE LODGE	2515 WEDGEWOOD	A Liquor
(F)	DOWNTOWN PANTRY	218 6TH AVENUE	E Liquor
(G)	GAZALIS	1205 25TH ST	C Beer/Wine
(H)	HELLO MARJORIE	717 LOCUST ST	C Liquor

- (I) JETHROS 3100 FOREST AVE C Liquor
- (J) JOHNNYS ITALIAN 6800 FLEUR DR B Liquor
- (K) MAMA MIAS 550 SW 9TH ST C Beer/Wine
- (L) SAIGON MARKET 2501 EUCLID AVE C Beer
- (M) VICTORY LANE 3801 EASTON BLVD C Liquor

**OUTDOOR SERVICE APPLICATIONS**

- (N) PEGGYS TAVERN 3020 FOREST AVE C Liquor  
Temporary in conjunction with Drake Relays on April 22 – 28, 2019.

**SPECIAL EVENT APPLICATIONS**

- (O) ST THERESA CATHOLIC 5810 CARPENTER Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for annual gala on April 13, 2019.  
Pending approval of Building, Electrical, Fire and Zoning Departments.
- (P) YOUR PRIVATE BARTENDER 519 PARK ST Five (5) Day License  
Class C Liquor License for a wedding reception on April 27, 2019.

- 5. [City](#) Clerk to issue Coin Operated Machine Licenses.

**PUBLIC IMPROVEMENTS**

- 6. Ordering construction of the following:
  - (A) [2019](#) HMA Residential Paving Program: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer’s estimate, \$1,060,000.  
  
([Council Communication No. 19-153](#))
  - (B) [Near](#) West Side Sewer Separation Phase 3: Receiving of bids, (4-23-19), Setting date of hearing, (5-6-19). Engineer’s estimate, \$6,800,000.  
  
([Council Communication No. 19-159](#))
  - (C) [Maquoketa](#) Drive Storm Sewer Box Replacement: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer’s estimate, \$7,500,000.  
  
([Council Communication No. 19-157](#))

(D) [Merle](#) Hay Road and Hickman Road Intersection Improvements: Receiving of bids, (4-23-19), Setting date of hearing, (5-20-19). Engineer's estimate, \$650,000.

[\(Council Communication No. 19-158\)](#)

(1) [Approving](#) the execution of the Iowa Department of Transportation (IDOT) Agreement.

[\(Council Communication No. 19-151\)](#)

7. [Approving](#) the execution of the Iowa Department of Transportation (IDOT) Agreement for the Hubbell Avenue (US 6) and E. Broadway Avenue Intersection Improvements.

[\(Council Communication No. 19-152\)](#)

8. [Approving](#) an Assignment and Assumption of Agreement for the 2019 Right-of-Way Management Fee Update Study and Consent to Assignment.

[\(Council Communication No. 19-150\)](#)

9. [Approving](#) Professional Services Agreement with Systemworks, LLC for Animal Control Building Commissioning, not to exceed \$63,960.

[\(Council Communication No. 19-155\)](#)

10. [Cooperative](#) Agreement with Iowa Department of Natural Resources (IDNR) to provide funding for the SE 14<sup>th</sup> Street Bio-Retention Cell Project, not to exceed \$164,765.

[\(Council Communication No. 19-146\)](#)

11. [Accepting](#) completed construction and approving final payment for 31<sup>st</sup> Street Reconstruction from I-235 to University Avenue, MPS Engineers, PC d/b/a Kingston Services PC.

12. [Approving](#) Private Construction Contract between McAninch Corporation and Bridge District II, LLC for Sanitary and Storm Sewer Improvements in Bridge District.

13. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.

## **SPECIAL ASSESSMENTS**

14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2019-04.
15. [Deletion](#) of rental inspection assessment at 1433 E. Madison Avenue.
16. [Approving](#) deletion of NAC-Emergency Assessment at 2806 Maple Street.

## **BOARDS/COMMISSIONS/NEIGHBORHOODS**

17. [Recommendation](#) from Council Member Boesen to appoint Jennifer Sayers to the Park and Recreation Board, Seat 4, for the current four-year term ending June 30, 2019 and an additional term commencing June 30, 2019 to June 30, 2023.

## **SETTING DATE OF HEARINGS**

18. [On](#) issuance of not to exceed \$11,000,000 General Obligation Bonds (Essential Corporate Purposes), (5-6-19).

[\(Council Communication No. 19-144\)](#)

19. [On](#) the proposed Fourth Amendment to the Urban Renewal Plan for the Ingersoll-Grand Commercial Urban Renewal Area, (5-6-19).

[\(Council Communication No. 19-162\)](#)

20. [On](#) the proposed Twenty-Fourth Amendment to the Metro Center Urban Renewal Plan, (5-6-19).

[\(Council Communication No. 19-163\)](#)

21. Number not used.

## **LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS**

22. [Approving](#) payment to Duncan, Green, Brown & Langeness Law Firm for representation regarding the following:

(A) Police Officer Tyson Teut, \$537.50.

(B) Police Officer Cody Grimes, \$3,287.50.

(C) Police Officer Kyle Thies, \$1,387.50.

23. [Approving](#) payment to Hoang-Anh Tang for a property claim.
24. [Communication](#) from Legal Department concerning settlements made by City Attorney, not exceeding \$5,000.

## **CITY MANAGER COMMUNICATIONS**

25. [Submitting](#) travel and training requests for Kirk Bagby, T.M. Franklin Cownie and Manisha Paudel.

[\(Council Communication No. 19-145\)](#)

## **APPROVING**

26. [Support](#) of a Workforce Housing Tax Credit (WHTC) benefit application to be submitted to the Iowa Economic Development Authority (IEDA) by Southridge Partners, LP (Samuel Rogers, Officer) for a housing project at 7100 block of SE 5<sup>th</sup> Street with a minimum of 168 units.

[\(Council Communication No. 19-164\)](#)

27. Number not used.

28. [HOME](#) Investment Partnership Program (HOME) Agreement with Home Opportunities Made Easy (HOME, Inc.) to construct two rental units at 1321 and 1325 Fremont Street using Community Housing Development Organization (CHDO) Set-Aside Funds.

[\(Council Communication No. 19-149\)](#)

29. [Preliminary](#) Terms of an Urban Renewal Development Agreement with Swaps Cash, LLC (Lincoln and Lisa McIlravy, Members) for the construction of a new six-story, 112 room Element Hotel project at 304 E. Walnut Street.

[\(Council Communication No. 19-166\)](#)

30. [Blighted](#) Property Rehabilitation (BPR) Program Agreement with Rally Cap Properties, LLC (Ryan Francois, Owner) for rehabilitation of 693 19<sup>th</sup> Street.

[\(Council Communication No. 19-148\)](#)

31. [Parking](#) License Agreement with the United States General Services Administration for the use of 35 parking spaces within the Third and Court Garage for a one-year term.

32. [Amendment](#) to extend the term of a temporary easement for construction and construction-related activities granted to the City of West Des Moines for the 62<sup>nd</sup> Street and Railroad Avenue Gate Structure Replacement Project.
33. Abatement of public nuisances at the following:
- (A) [1536](#) 30<sup>th</sup> Street.
  - (B) [1302](#) E. 27<sup>th</sup> Court.
  - (C) [1131](#) Euclid Avenue.
  - (D) [825](#) 41<sup>st</sup> Street.
  - (E) [141](#) SE 33<sup>rd</sup> Street.
  - (F) [1255](#) 10<sup>th</sup> Street.
  - (G) [4000](#) Colfax Avenue.
34. Communication of fire escrow for the following:
- (A) [2565](#) Euclid Avenue.
  - (B) [5631](#) SW 5<sup>th</sup> Place.
35. Bids from the following:
- (A) [Truck](#) Equipment Inc. (Terry Wieseler, President) for various truck body equipment to be installed on existing City vehicles for use by Fleet Maintenance, \$494,612. (Three potential bidders, two received).  

[\(Council Communication No. 19-143\)](#)
  - (B) [Truck](#) Equipment, Inc. (Terry Wieseler, President) for nine (9) snow plows to be installed on replacement pickup truck chassis per State of Iowa Contract for use by various departments, \$58,262.44.  

[\(Council Communication No. 19-142\)](#)
36. [Civil](#) Service Entrance List for Administrative Assistant.

37. [Authorizing](#) Finance Director to draw checks on registers for the weeks of April 8 and April 15, 2019; to draw checks for the bills of the Des Moines Municipal Housing Agency for the weeks of April 8 and April 15, 2019; and to draw checks for biweekly payroll due April 12, 2019.

**ORDINANCES - FINAL CONSIDERATION**

38. [Amending](#) Chapter 114 of the Municipal Code regarding traffic code modifications related to the Vue 23 Lofts Development, 23<sup>rd</sup> Street at Ingersoll.

**ORDINANCES - SECOND CONSIDERATION**

39. [Amending](#) Chapter 2 of the Municipal Code regarding exceptions to procurement of goods and services under competitive bidding or request for proposals process.
- (A) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.

\* \* \* \* \* END CONSENT AGENDA \* \* \* \* \*

**ORDINANCES - FIRST CONSIDERATION**

40. [Amending](#) Chapter 30 of the Municipal Code regarding applications for painting house numbers on curbs and pawnbrokers in conjunction with the new EnerGov Permitting and Licensing System.

[\(Council Communication No. 19-141\)](#)

41. Items regarding Wireless Telecommunications Facilities:
- (A) [First](#) consideration of ordinance amending Chapter 102 of the Municipal Code regarding small wireless facility permits.
- (B) [Final](#) consideration of ordinance above (waiver requested by the City Manager), requires six votes.
- (C) [Approval](#) of Wireless Telecommunications Facility Policy.

**HEARINGS (OPEN AT 5:00PM P.M.) (ITEMS 42 THRU 52)**

42. [On](#) intent to commence a public improvement project to construct the East Douglas Avenue Widening – E. 42<sup>nd</sup> Street to E. 56<sup>th</sup> Street Project and to authorize acquisition of the necessary property interests, including agricultural land for the project.

[\(Council Communication No. 19-161\)](#)

43. [On](#) vacation of the north-south alley right-of-way located west of and adjoining 1014 through 1036 SE 9<sup>th</sup> Street for the SE 9<sup>th</sup> Street Storm Water Pump Station Project.

(A) [First](#) consideration of ordinance above.

44. [On](#) conveyance of City-owned property located at 1601 County Line Road to the Des Moines Metropolitan Wastewater Reclamation Authority originally acquired for the Southern Tier Interceptor Pump Station and Equalization Basin Phase 10 – Segment 2 Project, now known as the Highland Hills Pump Station and Equalization Basin.

45. [On](#) request from AMT Associates, LLC (owner) represented by Lance Arrasmith (officer) to rezone property located at 1315 E. Broadway Avenue from Ltd. “M-1” (Light Industrial) to a revised Ltd. “M-1” (Light Industrial) to remove the restriction from Ordinance No. 14,573 that “the perimeter of any outdoor storage area shall be enclosed by a 100% opaque wood or masonry fence”, to allow the use of chain link fencing with vinyl slats for an opaque screen fence material for outdoor storage.

(A) [First](#) consideration of ordinance above.

(B) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.

46. Items regarding request from DDX Worldwide Cargo, Inc. (owner), represented by Juan Gauman (officer), for property at 2017 Capitol Avenue, to allow rezoning and expansion of the existing warehouse and distribution center use in operation at the adjoining business at 2000 E. Walnut Street:

(A) [To](#) amend the existing PlanDSM: Creating our Tomorrow Plan Future Land Use Designation from Low Density Residential to Industrial.

(B) [Hearing](#) on rezoning the property from “R1-60” (One-Family Low Density Residential) to Ltd. “M-1” (Light Industrial).

(C) [First](#) consideration of ordinance above.

(D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes.



47. [On](#) request from Savannah Homes, Inc. to rezone property at 4320 E. 46<sup>th</sup> Street from “A-1” (Agricultural) to “R1-60” (One-Family Low-Density Residential) to allow single-family residential development and **to continue to June 3, 2019 at 5:00PM.**
48. [On](#) City-initiated request to rename a segment of E. Douglas Avenue to Kennedy Drive for a segment which is located between Hubbell Avenue and a point 650 feet to the west as part of the realignment of E. Douglas Avenue.
- (A) [First](#) consideration of ordinance above.
- (B) [Final](#) consideration of ordinance above (waiver requested by the Community Development Director), requires six votes.
49. [On](#) 2019 Parking Garage Repair Program: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Golf Acquisition Group LLC d/b/a Golf Construction (Thomas Chakos, President), \$1,490,031.15.
- [\(Council Communication No. 19-154\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
50. [On](#) Des Moines River Regional Trail – Phase 2: Resolution approving plans, specifications, form of contract documents, Engineer’s estimate and designating lowest responsible bidder as Peterson Contractors, Inc. (Cordell Peterson, President), \$1,813,318.59.
- [\(Council Communication No. 19-165\)](#)
- (A) [Approving](#) contract and bond and permission to sublet.
- (B) [Naming](#) of South Des Moines River Trail as The Carl Voss Multi-Use Recreational Trail.
51. [On](#) SE 30<sup>th</sup> and Scott Avenue Detention Basin: Resolution approving plans, specifications, form of contract documents, and Engineer’s estimate and designating lowest responsible bidder as Elder Corporation (Jared R. Elder II, President), \$209,500.

[\(Council Communication No. 19-160\)](#)

- (A) [Approving](#) contract and bond.

52. On E. 1<sup>st</sup> and Market Street Storm Water Pump Stations: Reject all bids and close the hearing on the plans, specifications, form of contract documents, and Engineer's estimate, (one bid received, over estimate).

(Council Communication No. 19-156)

\*\*\*END HEARINGS AT \_\_\_\_\_ PM\*\*\*

## EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Tuesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. Approving City Council initiated vacation of alley right-of-way in the vicinity of SE 10<sup>th</sup> Street, SE 11<sup>th</sup> Street, Scott Avenue and Shaw Street. Sponsor: Council Member Gatto.

MOTION TO ADJOURN.

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